

Marriage compared to unmarried cohabitation

Abstract

The purpose of my thesis is to compare a marriage and an unmarried cohabitation from the point of view of the family law of the Czech republic.

Besides introduction and conclusion, this thesis consist of seven parts.

The first part characterizes terms. The first chapter describes the term „family“ – the first chapter analyzes the case law of the European Court of Human Rights and the case law of the European Court of Justice related to the right to family life and the right to privacy. The term „family“ is further characterized by the professional literature and by the sociologist. The first chapter describes the historical evolution of the family and the current concept of the family. Chapter two describes the term „marriage“ a the term „unmarried cohabitation“, chapter three describes the evolution od family law.

Part two focuses on the beginning of marriage and the beginning of unmarried cohabitation. The first chapter describes the historical evolution of the marriage and the unmarried cohabitation, chapter two compares the beginning of marriage and the beginning of unmarried cohabitation (in the narrow sense). Consequences of marriage and unmarried cohabitation are described in the third chapter and the chapter four deals with objectivity and invalidity.

Part three deals with obligations and rights of married couples and obligations and rights of unmarried couples. The first chapter compares personal and property obligations and rights of married couples and personal and property obligations and rights of unmarried couples, the second chapter compares the property relation of married couples and the property relation of unmarried couples (it is a property in the narrow sense and a habitation), the third capter deals with maintenance obligations.

The fourth part compares the termination of the marriage and the termination of the unmarried cohabitation. The first chapter deals with divorce and break up, the second chapter describes the termination of the marriage and unmarried cohabitation by the death of husband/wife or unmarried partner (heritage, habitation, and other consequences).

The fifth part deals with the relations between parents and child.

The sixth part describes French family law. The first chapter deals with marriage and concubinate, the second chapter characterizes a contract of civil solidarity (PACS).

The final seventh part deals with the results of my personal survey; detailed results in graphical form are presented in the attachment of this thesis.